



PUBLIC NOTICE

Federal Communications Commission
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DA 12-1692

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**COMMENT SOUGHT ON A PETITION FILED BY TERRAL TELEPHONE COMPANY, INC.
FOR WAIVER CONCERNING THE COMMISSION'S PART 36 JURISDICTIONAL
SEPARATIONS RULES**

CC Docket No. 80-286

Comment Date: November 19, 2012

Reply Comment Date: December 3, 2012

In the *2001 Separations Freeze Order*, the Commission imposed a freeze on all Part 36 cost allocation factors.¹ In addition, the Commission imposed a freeze on Part 36 category relationships for price cap carriers, but gave rate-of-return carriers the option of freezing their category relationships or leaving them unfrozen.² The Commission has subsequently extended the separations freeze.³ On August 2, 2012, Terral Telephone Company, Inc. (Terral), a rate-of-return carrier which elected in 2001 to freeze its category relationships, filed a petition seeking a waiver of sections 36.3, 36.123-126, 36-141, 36.152-157, 36.191 and 36.372-382 of the Commission's rules to unfreeze Part 36 category relationships.⁴ The Wireline Competition Bureau seeks comment on Terral's petition.

Terral filed a confidential and a redacted version of its petition.⁵ Parties seeking access to the confidential version of its petition shall request access pursuant to the terms of the Protective Order adopted on October [[x]], 2012.

¹ *Jurisdictional Separations and Referral to the Federal-State Joint Board*, CC Docket No. 80-286, Report and Order, 16 FCC Rcd 11382, 11387-88, para. 9 (2001).

² *Jurisdictional Separations and Referral to the Federal-State Joint Board*, CC Docket No. 80-286, Report and Order, 16 FCC Rcd at 11388-89, para. 11 (2001).

³ See e.g., *Jurisdictional Separations and Referral to the Federal-State Joint Board*, CC Docket No. 80-286, Report and Order, 27 FCC Rcd 5593 (2012) (extending the separations freeze until June 30, 2014); 47 C.F.R. Part 36.

⁴ Terral Telephone Company, Inc., Petition for Waiver of 36.3; 36.123-126, 36-141, 36.152-157, 36.191 and 36.372-382 of the Commission's rules to unfreeze Part 36 Category Relationships, CC Docket No. 80-286 (filed Aug. 2, 2012); 47 C.F.R. §§ 36.3; 36.123-126, 36-141, 36.152-157, 36.191 and 36.372-382.

⁵ *Petition by Terral Telephone Company, Inc. Pursuant to 47 C.F.R Sections 36.3, 36.123-126, 36.141, 36.152-157, 36.191, and 36.372 -382 for Commission Approval to Unfreeze Part 36 Category Relationships*, CC Docket No. 80-286, Protective Order, DA 12-[[xx]] (Wireline Comp. Bur. 2012).

As required by the Protective Order, any person seeking access to the confidential version of Terral's petition shall sign and date the Acknowledgment agreeing to be bound by the terms and conditions of the Protective Order and file the Acknowledgment with the Bureau, on behalf of the Commission.⁶ Such person shall also serve a copy of the Acknowledgment upon the relevant Submitting Party through its Counsel of Record so that it is received at least five business days prior to such person's reviewing or having access to the Submitting Party's Stamped Confidential Documents or Confidential Information, except that, where the person seeking access is one described in either clause 1 or 2 of paragraph 9, the Acknowledgment shall be delivered promptly prior to the person's obtaining access.⁷ Each Submitting Party shall have an opportunity to object to the disclosure of its Stamped Confidential Documents or Confidential Information to any such person.⁸ A Submitting Party must file any such objection at the Commission and serve it on Counsel representing, retaining or employing such person within three business days after receiving a copy of that person's Acknowledgment (or where the person seeking access is one described in clause 1 or 2 of paragraph 9, file and serve such objection as promptly as practicable after receipt of the Acknowledgment).⁹ Further, if a Submitting Party files additional Confidential Documents, it must file any objection to the disclosure of those additional Confidential Documents to any Reviewing Party before or contemporaneous with filing those documents.¹⁰ Until any objection is resolved by the Commission and, if appropriate, by any court of competent jurisdiction, and unless such objection is resolved in favor of the person seeking access, a person subject to an objection from a Submitting Party shall not have access to the relevant Stamped Confidential Documents or Confidential Information.¹¹

Interested parties may file **comments on or before November 19, 2012** and **reply comments on or before December 3, 2012**. All pleadings are to reference **CC Docket No. 80-286**. Comments may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies.¹²

- Electronic Filers: Comments may be filed electronically using the Internet by accessing the ECFS: <http://www.fcc.gov/cgb/ecfs/>. Filers should follow the instructions provided on the website for submitting comments.
- For ECFS filers, if multiple docket or rulemaking numbers appear in the caption of this proceeding, filers must transmit one electronic copy of the comments for each docket or rulemaking number referenced in the caption. In completing the transmittal screen, filers should include their full name, U.S. Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions, filers should send an e-mail to ecfs@fcc.gov, and include the following words in the body of the message, "get form." A sample form and directions will be sent in response.

⁶ *Id.* at 3.

⁷ *Id.*

⁸ *Id.*

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² See *Electronic Filing of Documents in Rulemaking Proceedings*, GC Docket No. 97-113, Report and Order, 13 FCC Rcd 11322 (1998).

- Paper Filers: Parties who choose to file by paper must file an original and four copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, filers must submit two additional copies for each additional docket or rulemaking number.

Filings can be sent by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (although we continue to experience delays in receiving U.S. Postal Service mail). All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St., S.W., Room TW-A325, Washington, D.C. 20554. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class, Express, and Priority mail should be addressed to 445 12th Street, S.W., Washington D.C. 20554.

People with Disabilities: To request materials in accessible formats for people with disabilities (braille, large print, electronic files, audio format), send an e-mail to fcc504@fcc.gov or call the Consumer & Governmental Affairs Bureau at 202-418-0530 (voice), 202-418-0432 (tty).

In addition, one copy of each pleading must be sent to each of the following:

- (1) The Commission's duplicating contractor, Best Copy and Printing, Inc., 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, www.bcpweb.com; phone: (202) 488-5300 fax: (202) 488-5563;
- (2) Daniel Ball, Pricing Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5-A262, Washington, D.C. 20554; e-mail: daniel.ball@fcc.gov; and
- (3) Craig Glenn, Pricing Policy Division, Wireline Competition Bureau, 445 12th Street, S.W., Room 5A-100, Washington, D.C. 20554; e-mail: craig.glenn@fcc.gov.

Filings and comments are also available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554. They may also be purchased from the Commission's duplicating contractor, Best Copy and Printing, Inc., Portals II, 445 12th Street, S.W., Room CYB402, Washington, D.C. 20554, telephone: 202 488-5300, fax: 202 488-5563, or via e-mail www.bcpweb.com.

This matter shall be treated as a "permit-but-disclose" proceeding in accordance with the Commission's *ex parte* rules.¹³ Persons making oral *ex parte* presentations are reminded that memoranda summarizing the presentations must contain summaries of the substance of the presentation and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented generally is required.¹⁴ Other rules pertaining to oral and written *ex parte*

¹³47 C.F.R. §§ 1.1200 *et seq.*

¹⁴See 47 C.F.R. § 1.1206(b)(2).

presentations in permit-but-disclose proceedings are set forth in section 1.1206(b) of the Commission's rules.¹⁵

For further information, please contact Daniel Ball, Pricing Policy Division, Wireline Competition Bureau at (202) 418-1520 or TTY (202) 418-0484.

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¹⁵47 C.F.R. § 1.1206(b).